

**CITY OF MIAMI BEACH
PLANNING BOARD REVIEW PROCESS
AND APPLICATION INSTRUCTIONS**

***CITY OF MIAMI BEACH ORDINANCE NO. 92-2777 REQUIRES REGISTRATION OF LOBBYISTS. COPIES OF THE ORDINANCE CAN BE OBTAINED FROM THE CITY CLERK, PLANNING DEPARTMENT, OR THE CITY ATTORNEY'S OFFICE.**

**Planning Department
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PLANNING BOARD REVIEW PROCESS AND APPLICATION INSTRUCTIONS

I. TYPES OF REQUESTS CONSIDERED BY THE PLANNING BOARD

CONDITIONAL USE - A use that would not be generally appropriate without restriction throughout a particular zoning district, but would be appropriate if controlled as to number, area, location or relation to the neighborhood.

CHANGE OF ZONING DISTRICT CATEGORY OR FUTURE LAND USE MAP DESIGNATION - The property owner(s) shall have a majority of frontage in the area in question. Said area shall contain not less than 400 linear feet of lot frontage on one public street or a parcel of not less than 80,000 square feet. These types of requests require City Commission approval and in the case of the Future Land Use Map, an approval from the Florida Department of Community Affairs.

AMENDMENTS TO LAND DEVELOPMENT REGULATIONS (LDRs) OF THE CITY CODE OR TO THE COMPREHENSIVE PLAN - Amendments pertaining to the requirements of the LDRs, text of the Comprehensive Plan, or the Future Land Use Map or Zoning District Map require City Commission approval. Comprehensive Plan and Future Land Use Map amendments also require approval from the Florida Department of Community Affairs.

HISTORIC DISTRICT/SITE DESIGNATION - This type of designation recognizes that a property is within a locally designated district or is a locally designated historic site. Historic Designation requires approval by the Historic Preservation Board prior to the review by the Planning Board and also requires City Commission Approval

SUBDIVISION OF LAND/LOT SPLIT - Lots, plots or parcels of land whether improved or unimproved, cannot be further divided or split without prior review and approval by the planning board. Lots can only be divided in such a manner that all of the resulting lots are in compliance with the regulations of the land development regulations.

ASSISTED LIVING FACILITIES (ALF) - Pursuant to Sec. 142-1252, adult congregate living facilities are subject to the following mandatory requirements and reviewed under the Conditional Use procedure:

- (1) The total number of adult congregate living facility beds in the city shall not exceed 2,000 per 100,000 permanent residents or fraction thereof. Facilities shall not be located in any designated redevelopment area or MXE mixed use entertainment district.
- (2) The design of the building shall be reviewed under the design review process pursuant to chapter 118, article VI.

- (3) The entire building shall conform with the South Florida Building Code, fire prevention and safety code, and to the City's Property Maintenance Standards. If it is a historic structure, it shall also conform to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures, U.S. Department of the Interior.

EXTENSIONS OF TIME FOR TEMPORARY PARKING LOTS - Temporary parking lots cannot be permitted to exist for more than three years from the date of building permit issuance regardless of ownership. At the end of this period, an applicant may request from the Planning Board (prior to expiration) one initial extension of time for a period not exceeding two years. In granting the initial extension of time, the board shall consider, among other things, whether the applicant has complied with all of the applicable requirements of the Code.

II. PROCEDURE. It is highly recommended that an applicant meet with staff before the filing of an application in order to discuss your project and avoid filing an improper or incomplete application and to determine what additional information, if any, will be required.

- A. All required exhibits, application forms, mailing labels and appropriate fees shall be submitted to the Planning Department by 12:00 noon of the submission date as per the schedule attached to this instruction manual. Incomplete applications will not be accepted.

It is the responsibility of the applicant to ensure that all questions in the application are answered, all required exhibits and supplementary data are submitted at the time of the filing of the application, and that all answers, plans, exhibits and supplementary data are accurate and complete.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

- B. Since all property owners within 375 feet of your project must be notified of the project, the Department will provide the applicant with one (1) copy of the required notice, as well as the required number of envelopes and one (1) set of labels. The applicant in turn, will copy, stuff, label and stamp (with correct postage) all envelopes and return them to the Department for mailing by the return date indicated in the instruction sheet. Failure to adhere to this procedure shall result in the application being removed from the agenda.
- C. Approximately 15 days prior to the public hearing date, Planning staff will post a public notice on the property with a description of the request, time and place of the hearing. The public hearing will also be advertised in the newspaper and on the City's web site. It is the responsibility of the applicant to notify this Department if the public notice posted on the property is removed.

- D. The Planning Board will consider the application during a public hearing, allowing interested parties and members of the public to be heard. The Planning Board members will discuss the merits of the application and will approve or deny the request. The Board may alternatively request additional information from the applicant and request that the matter be continued to a future meeting.

After the approval of a request by the Planning Board, a final order will be completed and executed. The order will be mailed to the applicant or representative for recordation in the public records of Miami-Dade County, Florida. The original recorded order **must** be returned to the Department before any approvals can be issued for a building permit, Certificate of Use, Certificate of Completion or Occupational License, whichever may occur first.

III. PUBLIC HEARING FEES

The schedule below indicates the required fee based on the nature of the request. Checks shall be payable to the City of Miami Beach.

<u>Type of request</u>	<u>Filing Fee</u>
Conditional Uses	\$1,295 per request
Triple fees for after-the-fact conditional use application	
Request for minor amendment to an approved conditional use, clarification of conditions, modifications, or extension of time	\$540
Withdrawal of application prior to date of public hearing,	\$320
Requests for deferral of public hearing, a fee commensurate with all costs, not less than	\$645
Adult Congregate Living Facilities	\$1,295 + \$75 per bed
Application for review of the division of land / lots splits	\$1,295
Request for a substantial amendment to an approved conditional use application	\$860
Filing an appeal of the Planning and Zoning Director's decision	\$860
Request for deferment or extension of time for division of land / lot splits	\$645

After-the-fact application for the division of land; lot splits (This fee is in addition to the application fee above)	\$645
Change of zoning map designation or change on the future land use map of the comprehensive plan which would change the actual list of permitted, conditional or prohibited uses, per square foot of lot area for each request	\$0.11
Changes in the actual list of permitted, conditional or prohibited uses, per section of the land development regulations or comprehensive plan	\$1,295
Amendment to the land development regulations or comprehensive plan which does not change the actual list of permitted, conditional or prohibited uses, per section of the land development regulations or comprehensive plan	\$1,945

IV. APPLICATION REQUIREMENTS

Review the requirements pertinent to each type of application on the following pages. The applicant should also review the attached application checklist (last page) to ensure that all required exhibits are submitted.

ALL REQUIRED EXHIBITS SHALL BE FOLDED AND SUBMITTED IN COLLATED SETS - Rolled plans will not be accepted. Thirteen copies (one original and 12 copies) of the entire application are required. The original survey and plans must be full size and shall be signed and sealed by a registered architect, engineer or professional surveyor licensed to practice in the State of Florida, as applicable. The remaining sets may consist of 11" x 17" photo reduced copies of the original signed and sealed sets.

In addition to other requirements, a letter from the applicant that describes the request and related circumstances shall accompany all completed application forms. Depending on the nature of the application, additional information may be required as set forth in items below.

Conditional uses - Items listed in the Submission Requirements (Item V) as necessary.

Change of Zoning district designation or Future Land Use Category - A petition from property owners of a majority of frontage, unless the applicant owns the entire property. These types of requests will also be required to include concept plans for the intended use of the land subject to the request. The area proposed for change

shall contain not less than four hundred (400) feet of frontage on one (1) public street or a parcel having at least eighty thousand (80,000) square feet of lot area.

Amendments to the Land Development Regulations of the City Code or Comprehensive Plan – A proposed ordinance that would amend the Code or Plan.

Subdivision of Land/Lot Split – A survey of the original property and individual surveys of each of the proposed resulting lots. All required surveys shall be dimensioned and indicate the distance between existing structures and proposed lot lines. In addition, applicant must submit an opinion of title evidencing that any deed restrictions, reservations or covenants applicable to the building site, lot, plot or parcel of land being considered for division or split do not prevent or serve as exceptions to the division or split requested. A photographic survey of existing structures on the property, as well as photographs of the surrounding neighborhood are also required for a complete application.

Assisted Living Facilities (ALF) – Items listed in the submission requirements as necessary.

Extensions of time for Temporary Parking Lots. Recent photos of the site and the originally approved site plan and landscaping plan.

V. SUBMISSION REQUIREMENTS (as they may apply)

1. A site plan drawn to scale, indicating the location of buildings (existing and proposed), streets and waterways, sidewalks, signs, parking spaces, fences, major site features (existing and proposed), curb cuts and any lines of jurisdiction such as the Bulkhead Line, Erosion Control Line, easements and Coastal Construction Control Line.
2. A survey of the property that is not older than one (1) year prior to date of application signed and sealed by a Professional Engineer or Professional Land Surveyor.
3. Detailed plans and elevations of the existing and/or proposed building(s) indicating all dimensions, surface materials, design features and elements, texture, color, as well as all attachments such as signs, lighting fixtures, balconies, awnings and appurtenances which are attached to the walls or roof. Elevations shall indicate window design and all architectural elements.
4. In the case of applications for parking lots, a landscape plan that meets the landscaping requirements of the City Code for parking lots, indicating landscaping materials, location, height and material of all fences, walls, screen and pavement surfaces. The plan shall also indicate number of spaces, dimensions, setbacks, proposed ingress and egress, lighting plan

and other information as may be necessary for the review and evaluation of the application.

5. In the case of applications for marine structures (docks, mooring piles, boat lifts, etc.) a copy of the letter from DERM that explains why the agency is requiring such projection into the water from the seawall.
6. A complete and detailed floor plan.
7. A copy of the property's building card (available from the City's Building Dept.).
8. A complete set of color photographs of the entire property and all surrounding properties and 12 sets of laser color copies. All photographs are required to be dated and labeled and identified as to orientation.
9. In the case of a Conditional Use application for Entertainment Establishments, the following information shall also be included with the application:
 - (1) An operational/business plan which addresses hours of operation, number of employees, menu items, goals of business, and other operational characteristics pertinent to the application.
 - (2) A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, self park, shared parking, after-hour metered spaces and the manner in which it is to be managed.
 - (3) An indoor/outdoor crowd control plan that addresses how large groups of people waiting to gain entry into the establishment, or already on the premises will be controlled.
 - (4) A security plan for the establishment and any parking facility.
 - (5) A traffic circulation analysis and plan which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.
 - (6) A sanitation plan, which addresses on-site facilities, as well as off-premises issues resulting from the operation of the establishment.
 - (7) A noise attenuation plan which addresses how noise will be controlled to meet the requirements of the noise ordinance.
 - (8) Proximity of proposed establishment to residential uses.

- (9) Cumulative effect of proposed establishment and adjacent pre-existing uses.
10. Notification List/Labels. Pursuant to Section 118-193 of the City Code, all property owners within 375 feet of the subject property, including the subject property must be notified of any request requiring a public hearing. The mailing lists and labels must meet the following requirements:
- (1) Two (2) copies of a list, on gummed labels, with the names and addresses of all property owners of land located within a 375-ft. radius of the exterior boundary of the subject property. If the subject property constitutes only a portion of a contiguous ownership parcel, the exterior boundary from which the 375-ft. radius is to be projected will be the exterior boundary of the entire contiguous ownership parcel.
 - (2) One (1) list with the legal description of land owned by each property owner (lot number, block number and subdivision).
 - (3) One (1) map of the subject area showing the 375-ft. radius, with the subject property highlighted.
 - (4) Original certified letter stating that the ownership list, map and mailing labels are a complete and accurate representation of the real estate property and property owners within 375 ft. radius of the subject property. This letter must be dated and give the address of the subject property and its legal description, subdivision and plat book number and page. Also state the source of this information. (If done by a professional data research company, the preceding information should automatically be included. If done by the applicant, this letter should be signed by the applicant and notarized.)

The following are the names of several companies that you may want to contact to obtain the required mailing labels, legal descriptions, certified letter and accompanying maps. **THE CITY OF MIAMI BEACH DOES NOT CLAIM RESPONSIBILITY FOR THE ACCURACY OR TIMELY ACQUISITION OF THE INFORMATION PROVIDED BY THESE COMPANIES:**

<u>LOPEZ DATA RESEARCH</u>	<u>305-981-9893</u>
<u>FLORIDA REAL ESTATE DECISIONS</u>	<u>305-757-6884</u>
<u>CONSUELO QUINTANA</u>	<u>305-858-2287</u>
<u>WEST POINT APPRAISAL</u>	<u>305-261-3772</u>
<u>CARLOS J. MARADIAGA</u>	<u>305-262-8965</u>
<u>SPIDER INTERNATIONAL REAL ESTATE SERVICES</u>	<u>305-866-4950</u>

11. Additional Requirements/Waivers - IMPORTANT. Section 122-4 of the City Code requires that unless exempt under the provisions of section 122-5, no development order shall be granted unless the applicant for development approval is the holder of a ***valid preliminary concurrency determination***. For those applications that consist of a request for any kind of entertainment establishment, parking garages, or as determined by Planning Staff, the Concurrency Management Division must provide a valid preliminary concurrency determination prior to an application being considered by the Planning Board. These types of applications will not be considered by the Planning Board unless the Concurrency Management Division provides a valid preliminary concurrency determination. A traffic impact study, completed by a Professional Traffic Engineer, may also be required.

The Planning and Zoning Director may establish additional requirements for site plans, and in special cases, may waive a particular requirement, if, in his opinion, the requirement is not essential to a proper decision on the project. Therefore, as suggested in Section II above, a preliminary meeting with staff can help establish the requirements of an application.

CHECKLIST FOR PLANNING BOARD APPLICATION

- _____ Letter of application (original & 12 copies)
- _____ Application, Affidavit & Disclosure of Interest (original & 12 copies)
- _____ Site/Preliminary plan (original & 12 copies)
- _____ Copy of Building Card (1)
- _____ Survey (original & 12 copies one original signed & sealed)
- _____ Mailing Labels - two (2) sets including:
Property owner's list - two (2) sets
Map of notification area
Original certified letter from real estate research company
- _____ Color photographs (one original set and 12 laser color copies)
- _____ Traffic study (when applicable - see Dept. staff)
- _____ CD/DVD with electronic copy of entire application package
- _____ Item #8 of the Submission Requirements (Neighborhood Impact, Outdoor Entertainment, or Open Air Establishments), when applicable.
- _____ Application fee

ALL APPLICATION MATERIALS AND EXHIBITS SHALL BE FOLDED AND COLLATED IN SETS WITH THE REQUEST LETTER AND APPLICATION ON TOP OF EACH SET. ALL ORIGINALS SHOULD BE COLLATED TOGETHER.

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